

# The Gazette of India

EXTRAORDINARY

PART II—Section 3—Sub-section (1)

PUBLISHED BY AUTHORITY

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No. 123] NEW DELHI, SATURDAY, NOVEMBER 11, 1961/KARTIKA 20, 1883

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MINISTRY OF HOME AFFAIRS

ORDER

*New Delhi, the 9th November 1961*

**G.S.R. 1360.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Andhra Pradesh, Mysore and Maharashtra, approves with certain modifications the scheme forwarded by the Government of Andhra Pradesh relating to the reconstitution and reorganisation of the Hyderabad Nurses, Midwives and Health Visitors Council, a corporation constituted under the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951 (XIX of 1951) and now functioning in parts of the States of Andhra Pradesh, Mysore and Maharashtra, and for the purpose of giving effect to the scheme so approved, the Central Government hereby makes the following Order, namely:—

1. **Short title and commencement.**—(1) This Order may be called the Hyderabad Nurses, Midwives and Health Visitors Council (Reconstitution and Reorganisation) Order, 1961.

(2) It shall come into force from 15th November, 1961.

2. **Definition.**—In this Order, unless the context otherwise requires,

- (a) "Act" means the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951 (XIX of 1951);
- (b) "appointed day" means the..... day of .....
- (c) "existing Council" means the Hyderabad Nurses, Midwives and Health Visitors Council constituted under the Act and functioning and operating immediately before the appointed day in those areas of the States of Andhra Pradesh, Maharashtra and Mysore to which the Act extended;
- (d) "Karnataka area" means the area transferred from the former State of Hyderabad to the new State of Mysore by virtue of the States Reorganisation Act, 1956 (37 of 1956);
- (e) "Marathwada area" means the area transferred from the State of Hyderabad to the State of Bombay by virtue of the States Reorganisation Act, 1956 (37 of 1956) and which now forms part of the State of Maharashtra;
- (f) "Telengana area" means the area transferred from the former State of Hyderabad to the State of Andhra Pradesh by virtue of the States Reorganisation Act, 1956 (37 of 1956).

**3. Reorganisation of the existing Council and creation of new Councils for Marathwada and Karnataka areas:—**As from the appointed day—

- (a) the existing Council shall cease to function and operate in the Karnataka area and Marathwada area; and the existing Council shall continue and operate in the Telengana area;
- (b) new Councils shall be established for each of the Karnataka and Marathwada areas;

Provided that in respect of the Marathwada area, the Government of Maharashtra shall, until a Council is duly constituted for the said area, exercise the powers, perform the functions and discharge the duties of the existing Council and shall be deemed to be the Council constituted under the Act:

Provided further that in respect of the Karnataka area, the *ad hoc* committee constituted by the Mysore Government, shall until a Council is duly constituted for the said area, exercise the powers, perform the functions and discharge the duties of the existing Council and shall be deemed to be the Council constituted under the Act.

**4. Register of institutions to continue.**—The register duly maintained under the Act or deemed to be so maintained under section 11 thereof, and in force immediately before the appointed day, shall on and from that day, be deemed to be the register for the Karnataka area, Marathwada area and the Telengana area to which the Act extends; and accordingly the names of nurses, midwives and health visitors on such register shall, without further fee or charge, be continued thereon in any of the said areas in which the registered person concerned desires to continue his registration. Such registration shall continue for the period for which it was made, until duly amended or the name is duly removed under the Act.

**5. Recovery of outstanding fee contributions and other dues.**—The right to recover fees, contributions and other moneys which immediately before the appointed day are due or payable to the existing Council, and on that day remain unpaid, shall continue to belong to the existing Council as reorganised.

**6. Liability for expenditure from 1st November, 1956, to appointed day.**—All expenditure incurred by the existing Council for the period commencing on 1st November, 1956, and ending on the appointed day, shall be borne by the existing Council.

**7. Provision relating to employees.**—All officers and servants of the existing Council, shall continue to be the officers and servants of the existing Council as reorganised.

**8. Residuary provision.**—Subject to the other provisions of this Order, any other assets or liabilities of the existing Council not expressly provided for shall continue to be the assets and liabilities of the existing Council as reorganised.

**9. Legal proceedings.**—Where immediately before the appointed day the existing Council is a party to any legal proceedings in any Court in the State of Andhra Pradesh, Maharashtra or Mysore instituted by or against any registered or other person, the relevant Council within whose area such registered or other person is ordinarily residing shall, respectively, be deemed to be substituted as party to those proceedings and the proceedings may continue accordingly.

**10. Transfer of certain proceedings pending before existing Council.**—Proceedings relating to any registered or other person which are pending immediately before the appointed day before the existing Council, shall on that day stand transferred to the relevant Council within whose area such registered person is ordinarily residing, for disposal according to law.

**11. Adaptations and modifications in the Act.**—As from the appointed day, the Act shall until altered, repealed or amended by the competent Legislature of

the State have effect subject to the provisions of the adaptations and modifications directed by the Schedule hereto annexed.

**SCHEDULE**

(See paragraph 10)

**The Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951 (XIX or 1951).**

**1. Section 1.**—For sub-section (2), substitute the following:—

“(2) It extends to the territories which, immediately before the 1st day of November, 1956, were comprised in the former State of Hyderabad.”

**2. Section 2.**—In section 2, for clause (b), substitute the following:—

“(b) “Council” means a Council constituted under section 3 of this Act;”

**3. New Section 2A.**—After section 2, insert the following:—

“2A. *Construction of certain references in their application to parts of Maharashtra or Mysore States to which the Act extends.*—In the application of the Act to that part of the State of Maharashtra or Mysore to which it extends any reference herein by whatever form of words to the State or Government or the State Government shall be construed as a reference to the State or the Government of Maharashtra or Mysore, as the case may be.”

**4. Section 3.**—In section 3—

(a) after sub-section (1), insert the following:—

“(1A) Each of the State Governments of Maharashtra and Mysore may, for the purposes of carrying out the provisions of this Act, establish a Council for the area of the State to which this Act extends to be called the Maharashtra (Hyderabad area) Nurses, Midwives and Health Visitors Council and the Mysore Nursing Council respectively. Such Councils shall be bodies corporate and have perpetual succession and a common seal and may, by the same name, sue or be sued.”;

(b) in sub-section (2)—

(i) after the words “The Council”, insert the following:—

“for the area of the State of Andhra Pradesh to which the Act extends”;

(ii) in clause (a), for sub-clause (i) substitute the following:—

“(i) the Director Medical Services;”;

(c) for sub-section (3), substitute the following:—

“(3) The Director Medical Services shall be the President *ex-officio* of the Council referred to in sub-section (2) and the Vice-President of that Council shall be elected annually from among the members of the said Council and shall hold office for one year or until the election of his successor;”

(d) after sub-section (3), insert—

“(3A) (a) The Maharashtra (Hyderabad area) Nurses, Midwives and Health Visitors Council and the Mysore Nursing Council shall consist of such number of members, with such qualifications and appointed in such manner as may be prescribed in that behalf by the Government concerned,

(b) One of the members shall be nominated by the State Government as the President of the Council and the State Government may, if deemed necessary, appoint any other member to be the Vice-President of the Council.”

**5. New Section 3A.**—After section 3, insert—

“3A. Notwithstanding anything contained in this Act—

(1) *Temporary provisions in respect of Councils.*—The existing Council functioning and operating immediately before the date of commencement of the order made by the Central Government in respect of this Act under section 4 of the Inter-State Corporations Act, 1957, shall, as from that date, be deemed to be the Council established for that area of the State of Andhra Pradesh to which the Act extends until a Council is in due course established for that area under section 3 and upon the due constitution of a Council as aforesaid:—

(a) the existing Council shall stand dissolved;

(b) all properties, funds and dues which are vested in or realisable by, the existing Council shall vest in, and be realisable by, the Council so constituted;

(c) all liabilities which were enforceable against the existing Council shall be enforceable against the Council so constituted; and

(d) all officers and servants of the existing Council shall continue to be the officers and servants of the new Council;

(2) in respect of the area of the State of Maharashtra to which this Act extends, the Government of Maharashtra shall, until a Council is duly constituted for the said area under section 3, exercise the powers, perform the functions and discharge the duties of the Council under this Act;

(3) In respect of the area in the State of Mysore to which this Act extends, the *ad hoc* committee constituted by the Mysore Government shall, until a Council is duly constituted for the said area, exercise the powers, perform the functions and discharge the duties of the Council under this Act and shall be deemed to be the Council constituted under the Act.”

**6. Section 4.**—In section 4—

(a) after “Council” where it occurs for the first time, insert “referred to in that sub-section”;

(b) for “Council” where it occurs for the second time, substitute “that council”.

**7. Section 5.**—In section 5—

(a) after “Council” insert “referred to in sub-section (2) of section 3”;

(b) for “section 3” substitute “that section”.

**8. Section 9.**—In section 9(1), for “President of the Council”, substitute “President of the Council concerned”.

**9. Section 11.**—For section 11, substitute the following:—

“11. *Maintenance of register.*—Each Council shall maintain a register of (a) nurses, (b) mid-wives, and (c) health visitors in such form and containing such particulars as the State Government may prescribe.”

**10. New Section 12A.**—After section 12, insert the following as a new section:—

“12A. *Temporary provision in respect of register.*—All nurses, midwives and health visitors who immediately before the date of commencement of the order made by the Central Government in respect of this Act under section 4 of the Inter-State Corporations Act, 1957

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(Central Act 38 of 1957), were on the register maintained under this Act, shall, on and from that date, without further fee or charge continue to be on the register in each of the parts of the States of Andhra Pradesh, Maharashtra and Mysore to which the Act extends and their names shall be continued on the register for each such part in the region and under the appropriate part of the register in which the person concerned desires to continue his or her registration."

11. **Section 17.**—In section 17, after "No Magistrate other than", insert "a Presidency Magistrate or".

(No. F.8|13|60-SR(R)-21).

HARI SHARMA ,Addl. Secy.

